

Applicant: Darrel L. Turner
Application No.: 08/899,198
Art Unit: 3616

In the Claims:

C 1. (Twice Amended) A rotary cutting blade comprising a boron steel blank raised through heat treatment to a Rockwell C hardness of between 48 and 55 on the Rockwell Hardness Scale and a toughness of 15 ft. lb. or higher on the Charpy Notched Impact Toughness Test per ASTM E-23.

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11 (Amended) A mower comprising a rotary cutting blade formed of a boron steel blank raised through heat treatment to a Rockwell C hardness of between 48 and 55 on the Rockwell Hardness Scale and a toughness of 15 ft. lb. or higher on the Charpy Notched Impact Toughness Test per ASTM E-23, the blade being rotatably mounted for cutting action.

REMARKS

Claims 1, 2, and 11 remain pending in the application. In the Office Action dated September 10, 1998, Claims 1, 2, and 11 were rejected under 102(b) or in the alternative under 103(a) over the disclosure of *Trudeau*.

The *Trudeau* reference discloses a cutting device in which a blade is driven against a concrete pile or the like by hydraulic cylinders 24 and 26. Although the specific speeds of operation are not specified in *Trudeau*, general familiarity with the performance of hydraulic actuators, and the fact that the blade begins its travel when it is engaged against or nearly against the pile, suggests that relatively low speeds are contemplated. ("In use cutter 10 is levelled about the pile to be cut, cutting edge 22 is then pushed through the reinforced concrete pile until it nearly reaches plate 76, this severs the top of the pile, reinforcements included." *Trudeau* Col 11, lines 47-50.) The speed of a blade being driven by eight-inch diameter, 3,500 psi hydraulic actuators, is particularly slow when compared to the speed of a rotary cutting blade typically used in a mower, which, as noted in applicant's specification, "can be spun at